

**Introduced by Senator Bowen**

February 6, 2006

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An act to amend Section 15360 of the Elections Code, relating to elections.

**LEGISLATIVE COUNSEL'S DIGEST**

SB 1235, as introduced, Bowen. Elections.

Existing law requires the Secretary of State to establish the specifications and the regulations governing voting machines, voting devices, and any software used, including the programs and procedures for vote tabulating and testing. The Secretary of State may not approve any voting system that does not fulfill statutory and regulatory requirements.

Existing law requires, during the official canvas of every election in which a voting system is used, a public manual tally of the ballots tabulated by those devices cast in 1% of the precincts chosen at random by the elections official.

This bill would provide that the tallied ballots include the absent voter's ballots, provisional ballots, and ballots cast at satellite location. The bill would also require the elections official to use either a random number generator or other method specified by the Secretary of State to randomly choose the initial precincts subject to the public manual tally. By increasing the duties of local elections officials, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state,

reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 15360 of the Elections Code is  
2 amended to read:

3 15360. During the official canvass of every election in which  
4 a voting system is used, the official conducting the election shall  
5 conduct a public manual tally of the ballots tabulated by those  
6 devices, *including absent voter's ballots, provisional ballots, and*  
7 *ballots cast at satellite locations*, cast in 1 percent of the  
8 precincts chosen at random by the elections official. If 1 percent  
9 of the precincts should be less than one whole precinct, the tally  
10 shall be conducted in one precinct chosen at random by the  
11 elections official.

12 In addition to the 1 percent count, the elections official shall,  
13 for each race not included in the initial group of precincts, count  
14 one additional precinct. The manual tally shall apply only to the  
15 race not previously counted.

16 Additional precincts for the manual tally may be selected at the  
17 discretion of the elections official.

18 *The elections official shall use either a random number*  
19 *generator or other method specified in regulations that shall be*  
20 *adopted by the Secretary of State to randomly choose the initial*  
21 *precincts subject to the public manual tally.*

22 SEC. 2. If the Commission on State Mandates determines that  
23 this act contains costs mandated by the state, reimbursement to  
24 local agencies and school districts for those costs shall be made  
25 pursuant to Part 7 (commencing with Section 17500) of Division  
26 4 of Title 2 of the Government Code.